S6.3.6 Place the loaded test pallet on the geometric center of the platform surface.

S6.3.7 Raise the lift platform from the ground level loading position to the vehicle floor level loading position. Measure the vertical and horizontal gaps to determine compliance with S5.3.4.2 and measure the vertical angle of platform surface deflection from a plane tangent to the side of the vehicle as specified in S6.3.1, and subtract the angle measured under S6.3.1 from the angle measured under this paragraph to determine compliance with S5.3.5.

S6.3.8 Lower the lift platform from the vehicle floor level loading position to the ground level loading position and determine compliance with S5.4.3.5 and S5.4.3.6. Measure the vertical gap specified in S5.3.4.3 to determine compliance with that section.

S6.4 *Static load test II.*

S6.4.1 Place a static load on the geometric center of the upper surface of the test pallet such that the total weight of the static load and test pallet is 1,800 pounds.

S6.4.2 When the lift platform is at the vehicle floor level loading position, place the loaded test pallet on the geometric center of the platform surface.

S6.4.3 Two minutes after placing the loaded test pallet on the platform surface, remove the loaded test pallet and examine the lift and vehicle for compliance with structural integrity requirements of S5.4.

S6.4.4 After removing the loaded test pallet, operate the lift through an entire cycle.

S6.4.5 *Static load test III.* After completing the static load test specified in S6.4.1 through S6.4.4, repeat static load test I specified in S6.3, except make no measurement under S6.3.1.

S6.6 *Wheelchair retention test.* Determine compliance with S5.3.7 using the test vehicle specified in S6.6.1, loaded with the ballast specified in S6.6.2, under the procedures specified in S6.6.3.

S6.6.1 The test vehicle is an Invacare Ranger 2 wheelchair, equipped with batteries, a standard adult size seat, standard foot rests, 20-inch rear wheels, 8-inch front castors, and a standard upright back.

S6.6.2 The ballast consists of sand loaded in a box structure which—

(a) Is capable of being restrained to the wheelchair seat.

(b) Has sufficient capacity to hold up to 225 pounds of sand (approximately 2.5 cubic feet).

(c) Has a rectangular base whose sides are not less than 12 and not more than 18 inches long.

(d) Has a center of gravity height of not less than 9 and not more than 10 inches when filled with 104 pounds of sand.

(e) Has a center of gravity height of not less than 12 and not more than 13 inches when filled with 225 pounds of sand.

S6.6.3 Conduct the wheelchair retention test under the following procedures:

(a) Place the lift platform at the vehicle floor level loading position.

(b) Position the vehicle so that the lift platform has an 8 degree downward slope from the horizontal, measured in a transverse vertical plane, in the case of a lift mounted on the side of a vehicle and in a longitudinal vertical plane, in the case of a lift mounted on the rear of a vehicle.

(c) Position the test vehicle in the vehicle, with the front or rear wheels (depending on the wheelchair orientation required by paragraph (e) of this section) at or near the inboard edge of the platform surface, so that the test vehicle will move parallel to the edge guards.

(d) Accelerate the test vehicle on the platform so that the vehicle impacts the wheelchair retention device at a speed of not less than 3.8 mph and not more than 4.2 mph, 4 times, once for each of the 4 combinations of the directions and weights specified in paragraph (e) of this section.

(e) The test vehicle is operated in the following directions and with the following ballast loads secured to its seat with its wheelchair seat belt—

(1) Forward, with a load of 104 pounds.

(2) Forward, with a load of 225 pounds.

(3) Rearward, with a load of 104 pounds.

(4) Rearward, with a load of 225 pounds.

S6.7 *Inner roll stop test.* With the inner roll stop deployed, apply a force of 300 pounds as specified in S5.3.8, through two points (150 pounds per point), with each point having an area of not more than 2 square inches each, with the geometric center of the load applicator located 11.8 inches on either side of the midpoint of the roll stop or of the portion of the vehicle structure functioning as the roll stop, and with the geometric center of the load applicator at a height of 2.5 inches above the platform surface. The force is applied perpendicular to a vertical longitudinal plane through the vehicle longitudinal centerline for lifts mounted on the side of the vehicle and parallel to that plane for lifts mounted on the rear of the vehicle. Attain the force within 1 minute after beginning to apply it. Maintaining the force, measure the amount of deflection 1 minute after attaining the force to determine compliance with S5.3.8.

S6.8 *Handrail test.* Apply a force of 100 pounds through an area of more than 2 square inches in any direction at any point on the handrail. Attain the force within 1 minute after beginning to apply it. Maintaining the force, measure the amount of displacement 5 seconds after attaining the force to determine compliance with S5.3.9.

Issued on February 22, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93-4455 Filed 2-25-93; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB88

Endangered and Threatened Wildlife and Plants; Proposed Rule to Reclassify the Louisiana Pearlshell (Margaritifera hembeli) from Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to reclassify the Louisiana Pearlshell, *Margaritifera hembeli*, from endangered to threatened under the authority of the Endangered Species Act of 1973 (Act), as amended. This freshwater mussel is currently known from two major drainage systems in Rapides and Grant Parishes, Louisiana, with populations in the latter drainage system having been discovered subsequent to its classification as endangered. The species still faces threats due to sedimentation from gavel mining, the potential for collecting, and population fragmentation by impoundments, but the degree of threat is now less than originally thought. Reclassification from endangered to threatened would more appropriately reflect the species' current status. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by April 27, 1993. Public hearing requests must be received by April 12, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to U.S. Fish and Wildlife Service, 6578

Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Stewart at the above address (601/965–4900).

SUPPLEMENTARY INFORMATION:

Background

The Louisiana pearlshell was described as *Unio hembeli* by Conrad in 1838. This species was placed in the genus *Margaron* by Lea (1870), then in *Margaritana* by Simpson (1900), and finally in *Margaritifera* by Athearn (1970). This mussel is about 100 millimeters (mm) (3.9 inches) long, 50 mm (2.0 inches) high, and 30 mm (1.2 inches) wide. The shell is generally elliptical with an angular posterior margin, obtuse undulations on the posterior slope, with a dark brown to black periostracum, and white nacre. The species has been collected from only the Bayou Boeuf drainage, Rapides Parish, and the Red River drainage, Grant Parish, Louisiana. The Alabama population of earlier records is now considered a different species, the Alabama pearlshell, which was described as *Margaritifera marrianae* by Johnson (1983).

The Service initially listed the Louisiana pearlshell as an endangered species on February 5, 1988 (53 FR 3567). Since the initial listing, the species has been discovered in the Red River drainage of Grant Parish. The Service conducted the surveys of this drainage in 1991 and 1992 in an effort to completely define the range of the species. The 1991 survey found 12 populations in 8 streams that are tributary to the Red River. The 1992 survey (Hall 1992) confirmed these findings, extended the range within these streams, and searched more than 50 streams in Grant, Rapides, and Winn Parishes, Louisiana. Hall did not locate any additional populations of the Louisiana pearlshell. However, within the Grant Parish portion of the range there are several streams that are posted private property. Since Hall did not survey streams where he could not get permission to enter the property, it is possible that additional populations of the Louisiana pearlshell occur on private property within the geographic area of the currently known range. The current known range of this species now consists of 8 streams in the Red River drainage and 11 streams in the Bayou Boeuf drainage. The Red River is a major tributary of the Mississippi River and the water from Bayou Boeuf eventually flows into Vermilion Bay of the Gulf of Mexico.

The objective of the 1990 recovery plan for this species was to reclassify it to threatened status by improving populations within the historic occupied range in the Bayou Boeuf drainage. While this objective has not been fully met, the extent of the known range has increased substantially with the discovery of the Red River drainage populations and the danger of extinction has diminished. This expansion of known range is sufficient to consider the reclassification of this mussel.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for reclassifying a species. The Service's listing regulations (50 CFR part 424) provide for a review of the five following factors when reclassifying (or listing or delisting) a species. These factors and their application to the Louisiana pearlshell, *Margaritifera hembeli*, are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

At the time of listing, the Louisiana pearlshell was thought to be restricted to 11 streams in the Bayou Boeuf drainage of Rapides Parish, Louisiana. The range in this system had been reduced and fragmented by impoundments. Beaver dams were inundating populations and had eliminated a population of approximately 1000 pearlshells in 1985. In addition, populations were being impacted by sedimentation from gravel pits on private lands and from erosion where clear cuts extended to the bank of streams. Clear cuts extending to the stream bank can increase runoff with resultant scouring of the stream bed that creates unstable habitat for mussels. Since the listing in 1988, the discovery of eight additional populations has substantially increased the known range of the species. The U.S. Forest Service has an active program to control beavers within the range of the Louisiana pearlshell and has a policy on Kisatchie National Forest that provides for streamside zones of generally 100 feet along the banks of perennial and intermittent streams. The streamside zones are managed for water quality and wildlife. Timber harvesting in these zones is limited to selective cutting by removing trees or groups of trees for the purpose of wildlife habitat improvement. During timber harvest, additional measures are used to minimize sedimentation of perennial streams. While the populations of this species are still fragmented and isolated by impoundments and are still being impacted by sedimentation from private lands, the number of populations has increased and threats to populations on Kisatchie National Forest have been reduced.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Collecting poses a significant threat to this species. This mussel occurs in very shallow, clear streams and generally has about one inch of the shell protruding from the substrate. An entire population may occur within a relatively short stretch of a stream. The restricted distribution within a stream and the ease of observing individual mussels makes collection of the species very easy. A single overzealous recreational or scientific collector could drastically reduce the population of any given stream in a few hours. The collecting impacts could easily reduce the population below levels necessary for reproduction. The threat of collecting remains unchanged since the listing.

C. Disease or Predation

There is no evidence of threats from disease. The shallow stream habitat of this species makes it very vulnerable to predation by raccoons and muskrats. However, there has not been a consistent pattern of predation on this mussel.

D. The Inadequacy of Existing Regulatory Mechanisms

This species is protected by the Endangered Species Act of 1973, as amended. It is also protected by the Louisiana Department of Wildlife and Fisheries as an endangered species. The Service does not believe that reclassification to threatened status will result in substantive change in the protection afforded this species under these regulatory mechanisms.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The discovery of the Louisiana pearlshell in eight streams of a different river drainage from the historically known populations greatly benefitted the recovery program for this species. This increase in number of populations and number of individual mussels significantly reduces the threat of natural or manmade factors affecting the

continued existence of this species. The fish host remains unknown and impacts to this aspect of the life history cannot be evaluated. Many of the streams where this species occurs are still isolated from each other and this may restrict gene flow. Isolated gene pools are vulnerable to loss of genetic variability resulting in greater susceptibility of the population to catastrophic events, whether natural or man-made.

Summary of Status

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to reclassify this species from endangered status to threatened status. Threatened status is more appropriate because the species is now known from 19 streams in two major drainages. While a stream's population is still susceptible to a single catastrophic event, the entire population of the species is much less likely to be affected to an extent the species would be in danger of extinction throughout all or a significant portion of its range. The recovery plan for this species will be revised to include an objective for delisting. When that objective is attained, the Service will recommend the Louisiana pearlshell for delisting.

Available Conservation Measures

This rule changes the status of the Louisiana pearlshell from endangered to threatened. This rule acknowledges that the populations of the Louisiana pearlshell are relatively secure and are no longer in danger of extinction. This change in classification does not significantly alter the protection of this species under the Endangered Species Act. Anyone taking, attempting to take, or otherwise possess a Louisiana pearlshell in an illegal manner would be subject to penalty under the Endangered Species Act. There are no differences in penalties for the illegal take of an endangered species versus a threatened species. Section 7 of the Act would also continue to protect this species from Federal actions that would jeopardize the continued existence of the species.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on the species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to Field Supervisor (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Athearn, H.D. 1970. Discussion of Dr. Heard's paper (Eastern freshwater mollusks, the south Atlantic and Gulf drainages): Pages 28–31: in A.H. Clarke (ed.), Papers on the rare and endangered mollusks of North America. Malacologia 20(1):1–56.

Conrad, T.A. 1838. Monography of the family *Unionidae*, or naiades of Lamarck (Freshwater bivalve shells) of North America 1:93–94; plate 51.

Hall, II, A.L. 1992. Field survey of *Margaritifera hembeli* 1992. Unpublished report to U.S. Fish and Wildlife Service, Jackson, MS. 4 pp.

Johnson, R.E. 1983. *Margaritifera marrianae*, a new species of Unionacea (Bivalve:Margaritiferidae) from Mobile-Alabama-Coosa and Escambia River systems, Alabama. Occasional Papers on Mollusks (Museum of Comparative Zoology, Harvard University) 4(62):299–304.

Lee, I. 1870. A synopsis of the family Unionidae: 4th edition. H.C. Lea, Philadelphia. 184 pp.

Louisiana Natural Heritage Program. 1985. Status of *Margaritifera hembeli* (Unionacea:Margaritiferidae) in Kisatchie National Forest, Evangeline Ranger District, Rapides Parish, Louisiana, November 1985. An unpublished report to the U.S. Forest Service, 20 pp.

Simpson, C.T. 1900. Synopsis of the naiades or pearly fresh-water mussels. Proc. U.S. Natl. Mus. 22–679.

Author

The author of this proposed rule is James H. Stewart (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.11 [Amended]

2. It is proposed to amend § 17.11(h), the list of Endangered and Threatened Wildlife, under "CLAMS", by revising the "Status" column for the entry "Pearlshell, Louisiana" to read "T" instead of "E".

Dated: February 4, 1993.

Richard N. Smith,

Deputy, Director, Fish and Wildlife Service.

[FR Doc. 93–4447 Filed 2–25–93; 8:45 am]

BILLING CODE 4310–55–M